



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,407	11/21/2001	Masashi Aonuma	Q66492	9757

7590 07/29/2003
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
Suite 800
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

GAGLIARDI, ALBERT J

ART UNIT PAPER NUMBER

2878

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,407

Applicant(s)

AONUMA, MASASHI

Examiner

Albert J. Gagliardi

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buytaert *et al.* (6,359,628 B1) in view of Van de Velde (US 5,646,416).

Regarding claim 1, Buytaert discloses that image and information processor comprising: an image information processing unit (4) having a function for inputting patient information and radiation image capture information (see generally Fig. 3 and col. 1, line 43 to col. 2, line 2); a function for receiving at least one first radiation image having been readout by a radiation image reading device (2); and a function of performing image processing on the at least one first image (6); an image display device (1) connected to the information processing unit and displaying at least one of the second radiation image having been subjected to image processing (col. 5, lines 37-41); an external storage device for storing (9) for storing at least one of the first or second radiation images; wherein the information processing unit is constructed such that a

Art Unit: 2878

serial radiography based on a plurality of radiographic conditions relating to one patient can be reserved as a single inspection (see generally Fig. 5).

Regarding the display device displaying both the processed and unprocessed radiation image, those skilled in the art appreciate that it is known in the art (see for example *Van de Velde*) to send both processed and unprocessed radiation images to a viewing station (col. 7, lines 22-39) depending on the particular needs of the application information. Therefore, absent some degree of criticality, the choice of sending displaying either or both images is viewed as a functionally equivalent alternative design choice that would have been obvious to a person of ordinary skill in the art depending on the needs of the particular application.

Regarding claim 2, *Buytaert* discloses that the components may be networked (col. 4, lines 61-63) and be expanded to include other stations (col. 5, lines 4-9).

Regarding claim 3, *Buytaert* discloses that the plurality of radiographic conditions may be displayed in a single screen as tags (mosaic type images) corresponding to the plurality of radiographic conditions (col. 3, lines 33-44).

Regarding claim 4, *Buytaert* discloses that the images may be displayed as thumbnail images (i.e., reduced images comprising less pixels than the original) (col. 3, lines 38-40).

Regarding claim 5, although not specifically disclosed, those skilled in the art appreciate that it is well known and considered routine to alter the relationship between thumbnail images and associated tags by moving the image relative to the tag, and would have been an obvious design choice, if not an inherent aspect of the system, to include such ability. (Note: the examiner notes that *Buytaert* discloses that the system may include a computer running Windows

Art Unit: 2878

95®, for example, which those skilled in the art appreciate allows rearrangement of files and data structures by means of a “drag and drop” procedure.

Regarding claim 6, consecutive numbering of elements is well known and considered a routine identification scheme that would have been obvious to a person of ordinary skill in the art.

Regarding claim 7, *Buytaert* discloses that the images are preferably presented in a first in, first out (i.e., consecutive) order. The use of consecutive numbers for identifying the sequence is considered as a routine design choice.

Regarding claim 8, the image and information processor recited according to claim 8 is suggested by the apparatus suggested by *Buytaert* and *Van de Velde* as applied to claims 1 and 2 above, and is rejected accordingly.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert J. Gagliardi whose telephone number is (703) 305-0417.

The examiner can normally be reached on Monday thru Friday from 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (703) 308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Application/Control Number: 09/989,407

Page 5

Art Unit: 2878

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Albert J. Gagliardi
Examiner
Art Unit 2878

AJG
July 13, 2003